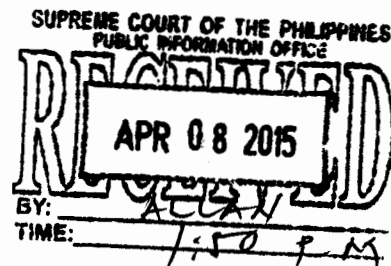




Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 9, 2015 which reads as follows:

“G.R. No. 212567 (People of the Philippines v. Rhoda Veloso y Gonzales alias “Mommy” and Anacleto Veloso y Ochotorina).– We resolve the appeal filed by Rhoda Veloso y Gonzales alias “Mommy” and Anacleto Veloso y Ochotorina from the Decision¹ dated 30 October 2013 issued by the Sixth Division of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05682.

The Antecedent Facts

Accused-appellants Rhoda Veloso y Gonzales alias “Mommy” and Anacleto Veloso y Ochotorina were charged with violation of Section 5, Article II of Republic Act (R.A.) No. 9165 or The Comprehensive Dangerous Drugs Act of 2002 in an Information² dated 27 August 2004, which reads:

That on or about the 24th day of August 2004, in Quezon City, Philippines, the said accused, conspiring, confederating with and mutually helping each other, not being authorized by law to sell, dispense, deliver, transport, distribute or act as broker in the said transaction, zero point zero six (0.06) gram of white crystalline substance containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.

Accused appellant Rhoda was also charged with violation of Section 11, Article II of Republic Act (R.A.) No. 9165 or The Comprehensive Dangerous Drugs Act of 2002 in an Information³ dated 27 August 2004, which reads:

- over - seven (7) pages

121

¹ Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Marlene Gonzales-Sison and Edwin D. Sorongon; *rollo*, pp. 3-18.

² *Id.* at 3; Records, p. 2.

³ *Id.* at 3; Records, p. 4.

That on or about the 24th day of August 2004, in Quezon City, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there, willfully, unlawfully and knowingly, have in his/her/their possession and control, zero point zero eight (0.08) gram of white crystalline substance containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.

The two cases were consolidated upon motion of the prosecution.⁴ When arraigned on 07 December 2004, accused-appellants pleaded not guilty to the charges.⁵

Version of the Prosecution

The prosecution evidence reveals:

x x x that at around 11:45 in the evening of August 23, 2004, at the Cubao Police Station 7, Police Officer 3 (PO3) Dante Surban (assigned at the Special Operation Team) received a call from an informant telling him about an illegal activity of a certain alias "Mommy". Acting on the information, a buy-bust operation was formed composed of P/Chief Insp. Warren Gaspar Tolito as team leader, PO3 Surban as poseur-buyer, and PO3 Eduardo David, PO1 Norvil Adonis, PO1 Delta Navarra and PO3 Joselito Aviles as back-up members. During the briefing, P/Chief Insp. Tolito gave four (4) pieces of 100 peso bills as marked money to PO3 Surban who in turn placed his initials "DS" thereat. After the markings were made, at around 12:30 in the morning of August 24, 2004, the buy-bust team, together with the informant proceeded to No. 77 Lantana St., Cubao, Quezon City, and waited for their suspect to arrive. The informant approached the two suspects and introduced to them PO3 Surban as the prospective buyer of shabu. The suspects introduced themselves as accused-appellants Rhoda Veloso alias "Mommy" and Anacleto Veloso. After the introduction, the informant left and following a short conversation, the two suspects agreed to sell the drug. The police asset gave P400.00 to accused-appellant Anacleto Veloso, and the latter gave it to alias Mommy, who consequently handed one plastic sachet containing white crystalline to PO3 Surban. Upon confirming the contents of the sachet as drug, PO3 tapped alias Mommy's right shoulder as a pre-arranged signal indicating the consummation of the sale. At that moment, the rest of the members of the buy-bust team approached the suspects, introduced themselves as police officers and arrested the suspects. PO3 Surban confiscated from alias Mommy the marked money and a blue maong coin purse, containing one heat-sealed transparent plastic sachet with white crystalline substance. At the crime scene, PO3 Surban placed his markings on the two plastic sachets with the initials RV (on the first sachet which he bought) and RV-1 (on the second one which he recovered from the coin purse). Then, they brought accused-appellants to the police station

- over -

121

⁴ Records, p. 1.

⁵ Id. at 36.

where the confiscated drug was turned over to the Desk Officer on duty. Thereafter, P/Chief Insp. Tolito issued a Request for Laboratory Examination and per Chemistry Report No. D-414-04 dated August 24, 2004, the examination of the two heat-sealed transparent plastic sachets containing white crystalline substance marked as RV and RV-1 yielded a positive result for methamphetamine hydrochloride, a dangerous drug.⁶

Version of the Defense

Accused-appellants denied the charges. Accused-appellant Anacleto testified as follows:

x x x that on the 24th of August, 2004, while he and his wife, accused-appellant Rhoda Veloso were sleeping at the 3rd floor of the apartment at No. 77, Lantana St., Cubao, Quezon City, he heard a kick on their door and upon opening it, five persons who introduced themselves as police officers came in asking for his wife. They told him to sit down while they went inside the room looking for his wife and daughter. When the policemen found his wife, they brought her along with Anacleto to the precinct. At the police station, the policemen showed him a plastic sachet and told him that it was taken from him. They were also looking for the four pieces of the P100.00 bills.⁷

Accused-appellant Anacleto also denied giving the policemen the plastic sachets and receiving money from them.⁸ He further testified that he does not know any of the policemen who arrested him and he had no misunderstanding with the policemen in the neighborhood.⁹

Accused-appellant Rhoda also took the witness stand and denied that she was arrested for selling *shabu* and that the policemen recovered another plastic sachet from her when they frisked her.¹⁰

The Ruling of the RTC

The Regional Trial Court (RTC) Branch 82 of Quezon City, in its Decision¹¹ dated 19 March 2012, convicted accused-appellants as follows:

WHEREFORE, premises considered, judgment is hereby rendered finding accused **RHODA VELOSO y GONZALES @ MOMMY** and **ANACLETO VELOSO y OCHOTORINA** *guilty* beyond reasonable doubt of violation of Section 5, Article II of R.A. No. 9165.

- over -

121

⁶ *Rollo*, pp. 4-5.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 39.

¹¹ Penned by Judge Severino B. De Castro, Jr.; *CA rollo*, pp. 33-42.

Accordingly, they are hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine in the amount of **Five Hundred Thousand (Php500,000.00) Pesos**.

Accused **RHODA VELOSO y GONZALES @ MOMMY**, on the other hand, is hereby similarly found guilty beyond reasonable doubt of a violation of Section 11, Article II of the same Act, and accordingly, she is hereby sentenced to suffer the penalty of imprisonment of **Twelve (12) Years and One (1) Day as Minimum to Fourteen (14) Years as Maximum** and to pay a fine in the amount of **Three Hundred Thousand (Php300,000.00) Pesos**.

The Branch Clerk of Court is hereby directed to transmit to the Philippine Drug Enforcement Agency the dangerous drugs subject hereof for proper disposition and final disposal.

SO ORDERED.¹²

The Ruling of the CA

On 30 October 2013, the appellate court affirmed the ruling of the lower court.

WHEREFORE, the Decision dated March 19, 2012 of the Regional Trial Court, Branch 82, Quezon City in Crim Case No. Q-129134-35, finding accused **RHODA VELOSO y GONZALES @ MOMMY** and **ANACLETO VELOSO y OCHOTORINA** *guilty* beyond reasonable doubt of violation of Section 5, Article II of R.A. No. 9165 and sentencing each to suffer the penalty of life imprisonment and to pay a fine in the amount of Five Hundred Thousand (Php500,000.00) Pesos; and finding accused **RHODA VELOSO y GONZALES @ MOMMY** *guilty* beyond reasonable doubt of violation of Section 11, Article II of the same Act, and sentencing her to suffer the penalty of imprisonment of Twelve (12) Years and One (1) day as Minimum to Fourteen (14) Years as Maximum and to pay a fine in the amount of Three Hundred Thousand (Php300,000.00) Pesos, is **AFFIRMED**.

SO ORDERED.¹³

Hence, this appeal raising as error accused-appellants' conviction despite the prosecution's failure to prove their guilt beyond reasonable doubt.¹⁴

This Court's Ruling

In this appeal before us, accused-appellants filed a Manifestation¹⁵ in lieu of a Supplemental Brief dated 5 November 2014 and once again insist that the testimony of PO3 Surban is unsubstantiated and the reliance of the prosecution on

- over -

121

¹² *Rollo*, pp. 6-7.

¹³ *CA rollo*, p. 141.

¹⁴ *Id.* at 62.

¹⁵ *Rollo*, pp. 28-32.

his testimony is misplaced.¹⁶ They also posit that nothing in the records would show that the procedural requirements of Section 21, Paragraph 1 of Article II of R.A. No. 9165 with respect to the custody and disposition of confiscated drugs were complied with.¹⁷

The Office of the Solicitor General (OSG), meanwhile, also filed its Manifestation¹⁸ dated 19 November 2014 and asserts anew that the prosecution proved the elements of the illegal sale and possession of *shabu* and the chain of custody of the *shabu*.¹⁹

After a careful scrutiny of the records, we find that the assignment of errors of accused-appellants fails on two grounds.

The testimony of PO3 Surban as poseur-buyer was enough to sustain the conviction of accused-appellants.

We have held before that “[t]he credibility of evidence is not necessarily determined by the number of witnesses but by the quality of the testimony.”²⁰ Moreover, “it is well-settled that the testimony of a single witness which satisfies the court in a given case is sufficient to convict.”²¹

The CA and the RTC did not commit an error in appreciating PO3 Surban’s testimony as sufficient to prove all the elements of the crime.²² His testimony provided the details of the buy-bust operation, i.e., he was the one who “prepared the money, acted as the poseur-buyer, arrested the accused, and turned over the suspected shabu to the investigator.”²³ His testimony “show[ed] a complete picture detailing the buy-bust operation from the initial contact between him and the accused-appellants, the offer to purchase, the promise or payment of consideration until the consummation of the sale by the delivery of the illegal drug subject of the sale.”²⁴ Finally, his testimony was also noted as “frank, spontaneous, straightforward, and categorical manner” by the court *a quo*.²⁵

- over -

121

¹⁶ CA rollo, p. 64.

¹⁷ Id. at 65.

¹⁸ Rollo, pp. 33-37.

¹⁹ CA rollo, p.104.

²⁰ *People v. Pascual, Jr.*, 127 SCRA 179.

²¹ *People v. Aquino*, L-37483, 24 June 1983, 122 SCRA 805.

²² CA rollo, p. 135.

²³ Id. at 136.

²⁴ Id.

²⁵ Id.

PO3 Surban's testimony was corroborated by the testimonies of the other witnesses for the prosecution which were subject to stipulation and contained in the Orders²⁶ of the court *a quo*. The prosecution also relied on the testimonies of: (1) the forensic chemist, Alejandro de Guzman; (2) the investigator, PO1 Delta Navarra; and (3) the back-up, PO2 Rufino Gabis.

The procedural requirements were complied with.

Accused-appellants harp on the non-compliance with the chain of custody requirement by the police officers. This, however, had been passed upon by the RTC when it noted that "the Court finds nothing herein to doubt the integrity of the evidence being attributed to the herein accused."²⁷

This was squarely dealt with by the CA when it noted how the prosecution showed by records or testimony the continuous whereabouts of the seized items from the time they came into the possession of the police officers until they were ultimately offered in evidence in court.²⁸ The CA found, as we now find after a careful scrutiny of the records, that the evidence adduced by the prosecution not only supports the finding that a valid buy-bust operation took place but also that the chain of custody of the seized evidence was unbroken.

The records showed that: (1) the poseur-buyer, PO3 Dante Surban, placed the markings, "RV" and "RV-1" on the seized items upon recovery from the accused Rhoda and submitted the items to the investigating officer;²⁹ (2) the investigating officer, PO1 Delta Navarra, received the seized items turned over to him by the arresting officers and prepared the request for laboratory examination;³⁰ (3) the forensic chemist, PI Alejandro de Guzman, received the request and the brown envelope containing the plastic sachets and conducted the requested laboratory examination and submitted the initial report showing the specimen positive for methamphetamine hydrochloride;³¹ (4) the items were later on identified by PO3 Surban in court as the same plastic sachets recovered from accused-appellant Rhoda.³²

- over -

121

²⁶ Order dated 18 August 2010 for the testimony of PO2 Rufino Gabis, Order dated 12 October 2009 for the testimony of PO1 Delta Navarra, and Order dated 15 June 2005 for the testimony of PI Alejandro de Guzman.

²⁷ CA *rollo*, p. 41.

²⁸ *Rollo*, p. 15.

²⁹ TSN, 9 May 2006, p. 10.

³⁰ *Id.* at 11.

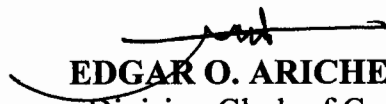
³¹ Records, p. 61.

³² *Id.* at 12.

WHEREFORE, premises considered, the appeal is hereby **DENIED**. The assailed Decision dated 30 October 2013 issued by the Sixth Division of the Court of Appeals in CA-G.R. CR-H.C. No. 05682 is hereby **AFFIRMED** *in toto*.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{Kal}
121

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 05682)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 82
1100 Quezon City
(Crim. Case Nos. Q-04-129134 &
Q-04-129135)

The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

PUBLIC ATTORNEY'S OFFICE
Counsel for Accused-Appellants
DOJ Agencies Bldg., NIA Road
Diliman 1101 Quezon City

Mr. Anacleto O. Veloso
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

Ms. Rhoda G. Veloso
Accused-Appellant
c/o The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR



